

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

26889

FILE: B-213155

DATE: November 21, 1983

MATTER OF: King-Fisher Company

DIGEST:

Protest against alleged specification defects is untimely under our Bid Protest Procedures since it was not filed prior to bid opening.

King-Fisher Company protests any award under invitation for bids (IFB) No. DACA31-83-B-0140 issued by the Department of the Army for the upgrade and replacement of the fire alarm system at Fort Belvoir, Virginia. King-Fisher contends that the specifications issued by the Army are proprietary and can only be met by one firm. In addition, King-Fisher complains that the specifications are confusing and requests that bidding be halted until the specifications are clarified.

Our Bid Protest Procedures require that a protest based upon alleged improprieties in an IFB, which are apparent prior to bid opening, must be filed prior to bid opening. 4 C.F.R. § 21.2(b)(1) (1983); see also LePrix Electrical Distributors, Ltd., B-212340, July 21, 1983, 83-2 CPD 115. Filed is defined as "receipt in the General Accounting Office." 4 C.F.R. § 21.2(b)(3) (1983). King-Fisher's protest concerns alleged improprieties that were apparent on the face of the solicitation. Bids were opened at 2 p.m., September 23, 1983; however, King-Fisher did not file its protest with our Office until 4:37 p.m., September 23, 1983, as evidenced by our Office time/date stamp. Accordingly, the protest was not timely filed and will not be considered on the merits. Robert Dowling, B-202511, April 6, 1981, 81-1 CPD 263.

We dismiss the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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